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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/393,576	09/10/1999	MITSUNOBU ENOMOTO	P1216-9002	2928

4372 7590 05/17/2004

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EXAMINER

DINH, KHANH Q

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 05/17/2004

up

Please find below and/or attached an Office communication concerning this application or proceeding.

17

Office Action Summary

Application No.

09/393,576

Applicant(s)

ENOMOTO ET AL.

Examiner

Khanh Dinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 24.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. This is in response to the Response filed on 3/12/2004 (paper # 25). Claims 23-31 are presented for examination.

Claim Rejections - 35 USC ' 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 23-27, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arita U.S Pat. No.5,821,926 in view of Gasperina US pat. No.5,491,781.

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As to claim 23, Arita discloses an Internet information method for receiving Internet information, displaying it on the screen, and display a tool bar composed of plural buttons each representing control function on the screen comprising:
selecting an arbitrary button (button class of fig.3a) in said toolbar (fig.3a, 3b, co1.10 line 62 to col.12 line 63), magnifying and displaying said selected button (i.e., displaying the button group and the individual buttons as an operating button on a display unit, see abstract, col.11 Lines 15-45, co1.20 line 32 to co1.21 line 65 and co1.15 line 13 to col.16 line 54).

Arita does not specifically disclose magnifying button into a predetermined size in longitudinal and lateral directions. However, Gasperina discloses magnifying button into a predetermined size in longitudinal and lateral directions (see abstract, figs.1A, 1B, col.1 lines 31-60 and col.3 line 6 to col.4 line 65). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Gasperina's teachings into the computer system of Arita to displaying information because it would ^{be} have capable correcting reproduced image density automatically in accordance with a density of document ground.

As to claim 24, Arita discloses the state of the selected button is magnified in the direction toward the center of the screen at said step of magnifying and displaying said selected button (see fig.8 and co1.15 Lines 13-56).

As to claim 25, Arita discloses characters for expressing the function of the button are also displayed at said step of magnifying and displaying said selected button (see fig. 27 and co1.17 Lines 1-26 and co1.21 line 5 to co1.22 line 60).

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As to claim 26, Arita discloses the step of varying the displaying state of said magnified and displayed button when executing the function of said selected button (see fig. 1, co1.10 Lines 4960 and col.21 line 5 to co1.22 line 60).

As to claim 27, Arita discloses the button is displayed in the depressed state from the screen at the step of varying the displaying state of said magnified and displayed button when executing the function of said selected button (see fig. 10, co1.17 lines 1-26 and co1.25 line 19 to co1.26 line 55).

As to claim 30, Arita discloses Internet information for receiving Internet information, displaying it on the screen, and display a tool bar composed of plural buttons each representing control function on the screen comprising:

selecting an arbitrary button (button class of fig.3a) in said toolbar (fig.3a, 3b, co1.10 line 62 to co1.12 line 63) and displaying said selected button in a single user action (i.e., displaying the button group and the individual buttons as an operating button on a display unit, see abstract, col.1 Lines 15-45, co1.20 line 32 to co1.21 line 65 and co1.15 line 13 to col.16 line 54).

Arita does not specifically disclose magnifying button into a predetermined size in longitudinal and lateral directions. However, Gasperina discloses magnifying button into a predetermined size in longitudinal and lateral ((see abstract, figs.1A, 1B, col.1 lines 31-60 and col.3 line 6 to col.4 line 65). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Gasperina's teachings into the computer system of Arita to displaying information because it would

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have capable correcting reproduced image density automatically in accordance with a density of document ground.

As to claim 31, Arita discloses that the display state of the selected button is magnified and moved in the direction toward the center of the screen (see fig.8 and col.15 Lines 13-56, col.1 line 4 to col.12 line 64 and col.15 line 4 to col.17 line 54).

4. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arita and Gasperina as in item 3 above and further in view of Schindler et al US pat. No.5,675,390.

Arita and Gasperina 's teachings still applied as in item 3 above. Neither Arita nor Gasperina specifically discloses using a wireless remote control to select an arbitrary button. However, a wireless remote control is generally well known in the art as disclosed by Schindler (using remote control to control functional buttons and key pads, see abstract, co1.13 line 45 to co1.14 line 55). It would have been obvious if not inherent to one of the ordinary skill in the art at the time the invention was made to implement a well-known device such as a wireless remote control in the computer system of Arita to control data because it would have enabled users to access and to control data information more quickly.

Response to Arguments

5. Applicant's arguments filed on 3/11/2004 have been fully considered but they are not persuasive.

* Applicant asserts that the Gasperita reference fails to disclose magnifying button into a predetermined size in longitudinal and lateral directions.

Examiner respectfully disagrees. In the cited reference, Gasperina discloses magnifying button (depressing a button by a user) into a predetermined size (portion) in longitudinal and lateral directions (controlling the magnification with the lateral and longitudinal positions, see col.1 lines 30-57, col.3 line 6 to ocl.4 line 65). As a result, the user can select the range (horizontal and vertical axis) of the display portion of the scroll box, which indicates scroll box's movements. Therefore, Gasperia discloses the Applicant's claimed invention.

* Applicant further asserts that the motivation to combine the references is not applicable to the applicant's claimed invention and insufficient to establish obviousness.

*In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have*

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been obvious to one of the ordinary skill in the art at the time the invention was made to implement Gasperina 's teachings into the computer system of Arita to displaying information because it would have ^{been} capable ^{of} correcting reproduced image density automatically in accordance with a density of document ground. Furthermore, it would have also been obvious if not inherent to one of the ordinary skill in the art at the time the invention was made to implement a well-known device such as a wireless remote control of Schindler in the computer system of Arita to control data because it would have enabled users to access and to control data information more quickly.

As a result, cited prior art does disclose a system and method for receiving Internet information, displaying it on the screen, and display a tool bar composed of plural buttons each representing control function on the screen, as broadly claimed by the Applicants. Applicants clearly have still failed to identify specific claim limitations that would define a clearly patentable distinction over prior art. Therefore, the examiner asserts that cited prior art teaches or suggests the subject matter broadly recited in independent claims 23, 29 and 30.

Claims 24-28 and 31 are also rejected at least by virtue of their dependency on independent claims and by other reasons set forth in the previous office action [see paper no. 23]. Accordingly, claims 23-31 are respectfully rejected.

Conclusion

6. Claims 23-31 are rejected.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (703) 308-8528. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on (703) 305-4792. The fax phone number for this group is (703) 872-9306.

A shortened statutory period for reply is set to expire THREE months from the mailing date of this communication. Failure to response within the period for response will cause the application to become abandoned (35 U.S. C . Sect. 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(A).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305 -9600.



FRANTZ B. JEAN
PRIMARY EXAMINER

Khanh Dinh
Patent Examiner
Art Unit 2151
5/10/2004